

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARIUS CLARK, et al.,

Plaintiffs,

v.

YODLEE, INC.,

Defendant.

Case No. [20-cv-05991-SK](#)

**NOTICE OF QUESTIONS FOR
HEARING**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE OF THE FOLLOWING QUESTIONS FOR THE HEARING SCHEDULED ON SEPTEMBER 23, 2024 AT 9:30 A.M. The Court intends to address the questions below at the hearing. The Court advises the parties that it will not accept written answers to the questions.

The parties shall be prepared to address the following questions at the hearing:

- (1) The Court is inclined to find that Plaintiffs Cotrell, Rollier, and Szeto either lack standing or would not be typical representatives to represent a class of individuals who had their transactional data obtained, stored, used, or sold by Yodlee because there is no evidence that Yodlee obtained transactional data from these named Plaintiffs. The parties should be prepared to address the impact such a finding on Plaintiffs' remaining claims. In particular, the parties should address, claim by claim: (1) what, if any, part of the claims remain; (2) what damages, if any, Plaintiffs seek; and (3) what injunctive relief, if any, Plaintiffs seek.
- (2) What is the estimated size of Plaintiffs' proposed classes? On what evidence do Plaintiffs rely for this estimation?
- (3) Are there any experts remaining who are not already the subject of a pending motion to strike or exclude? If so, who are these experts and do the parties intend

1 to file any more motions to strike or exclude experts?

- 2 (4) For the remaining claims based on the information Plaintiffs allege Yodlee
3 collected (excluding the transactional data), what is Plaintiffs' best argument that
4 they may pursue a nation-wide class action based on California law, including that
5 the harm was felt in California by out-of-state class members?

6 **IT IS SO ORDERED.**

7 Dated: September 3, 2024

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9 SALLIE KIM
United States Magistrate Judge

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United States District Court
Northern District of California